

REMARKS

Claims 1, 2, 4-7 and 15-21 are pending in the application. It is gratefully acknowledged that Claims 4-7 and 17-19 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has rejected Claims 1, 20 and 21 under 35 U.S.C. §102(e) as being anticipated by Parsa et al. (U.S. Patent 6,643,318). The Examiner has rejected Claims 2, 9, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Parsa et al. in view of Kanterakis et al. (U.S. Patent 6,169,759).

Regarding the rejections of independent Claims 1, 20 and 21 under §102(e), the Examiner states that Parsa et al. anticipates each and every feature recited in the claims. Parsa et al. discloses a hybrid DSMA/CDMA (digital sense multiple access/code divisional multiple access) method with a collision resolution for packet communications.

Claim 1 recites a UTRAN for determining an available physical common packet channel (PCPCH) in the UTRAN in response to the received access preamble signature. The Examiner relies on Parsa at col. 16, lines 26-36 as disclosing this feature. This section of Parsa states:

Upon detecting an access preamble (AP) from a mobile station (MS) requesting a CPCH channel (at S2), the base station (BS) sends out an acquisition indicator for the channel (AICH), which corresponds to the AP signature of the detected AP preamble. The BS sends the AP-AICH signal in a downlink access slot corresponding to the detected uplink access slot. At branch step S3, if the requested channel is available, the acquisition indicator is AP-AICH, indicating a positive response (S4). If the requested channel is not available, the acquisition indicator is AP-AICH_NEG, indicating a negative response (S5). [Emphasis added.]

It is clear from Parsa that the mobile station selects a channel. Parsa's base station merely determines if the channel, selected by the mobile station, is available or not. The base station of Parsa does not perform any channel selection.

Parsa also contradicts the Examiner's position in several other locations. For example, in the Abstract Parsa et al. states, "the mobile station preferably selects a collision detection (CD) signature...", at col. 14, lines 64-65 Parsa et al. states, "The MS randomly selects a CPCH-AP signature from the signature set...", and at col. 15, lines 44-50 Parsa et al. states, in part, "the MS randomly selects a CD signature..."

Claim 1 goes on to recite, "selecting one of a plurality of channel assignment signatures based on the determined physical common packet channel (PCPCH)". That is, after a channel is selected by the UTRAN, a channel assignment signature is then selected by the UTRAN. This selection of the channel assignment signature is based on the channel selection. The Examiner states that Parsa discloses these features at col. 9, lines 14-25, which states:

According to the present invention, the spread-spectrum transmitter in the base station transceiver 17 broadcasts the status information to the mobile stations 15 on a periodic or non-periodic basis. This transmission utilizes one of the common downlink channels, which is referred to here as a CPCH status indicator channel (CSICH). This broadcast status information can relate the **availability** (Idle) or **non-availability** (Busy) of every single Common Packet Channel or the availability or non-availability of groups of Common Packet Channels. The broadcast status information may also indicate the available data rates for every single Common Packet Channel or for groups of Common Packet Channels. [Emphasis added.]

Again, as plainly recited in Parsa, the base station merely deals with the availability or non-availability of channels, not their actual selection or assignment.

Claim 1 also recites, "transmitting the selected channel assignment signature to the UE." Again, Parsa, in the Abstract, teaches that its mobile station selects and transmits the signature: "Upon receiving this acknowledgment, the mobile station preferably selects a collision detection (CD) signature and transmits a CD preamble containing that signature."

Regarding the rejection of Claim 20, for at least the reasons that Claim 1 is allowable, Claim 20 should also be allowed. Also, regarding the rejection of Claim 21, for at least the

reasons that Claim 1 is allowable, Claim 21 should also be allowed.

Based on at least the foregoing, withdrawal of the rejections under §102(e) of Claims 1, 20 and 21 is respectfully requested.

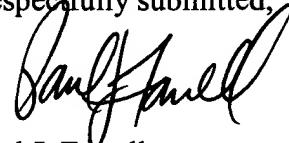
Turning now to the rejections of independent Claim 15 under §103(a), the Examiner states that Parsa et al. in view of Kanterakis et al. renders obvious each and every feature of the claim. Kanterakis et al. discloses a common packet channel. Since Claim 15 recites receiving a selected one of a plurality of channel assignment signatures from the UTRAN, arguments similar to those with respect to Claims 1, 20 and 21, also apply to Claim 15.

Based on at least the foregoing, withdrawal of the rejections of independent Claim 15 under §03(a) is respectfully requested.

Independent Claims 1, 15, 20 and 21 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 16, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 16 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4-7 and 15-21, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8476

PJF/MJM/mk